

### REMARKS

Applicants would like to thank the Examiner for the careful consideration and substantive effort given this case. The Examiner has rejected claims 1-11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Examiner has further rejected claims 1-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,112,049 to *Sonnenfeld*. Each of these rejections is moot because Applicants have cancelled claims 1-11.

Applicants have added claims 12-28. None of these claims introduce new matter. Each of the claims finds support in the original specification, particularly in reference to the Detailed Description of the Invention from pages 15-60 and the associated figures.

Independent claims 12 and 24 incorporate features not disclosed in the prior art cited by the Examiner. In particular, U.S. Patent No. 6,112,049 to *Sonnenfeld* does not teach or disclose storing information pertaining to subject matter and assessment requirements in a database or generating or storing trifles based on such information. *Sonnenfeld* merely permits a test creator to determine the number of questions to include in one or more sections of a test and to determine the questions for each section. *Sonnenfeld* does not teach or suggest storing subject matter information in a database to aid in test creation. Likewise, *Sonnenfeld* does not teach or suggest storing information pertaining to testing requirements in a database to aid in test creation. Furthermore, *Sonnenfeld* does not teach or suggest the use of trifles to aid in test creation. As stated on page 17 of Applicants' specification, "[T]he purpose of trifles is not only to describe predefined varieties of assessment design information, but also to bookmark, or link, the piece of information to the document which is its source. Therefore, trifles provide both a structure for the pieces of information that are gathered from the document collection and also, once created, provide automated book marking to the original source of the information."

Accordingly, claims 12 and 24 are not taught by Sonnenfeld and are patentable over the prior art. Since claims 13-23 and 25-28 depend from and incorporate all of the limitations of allowable independent claims 12 and 24, respectively, claims 13-23 and 25-28 are likewise patentable over the prior art. Therefore, Applicants request that the Examiner allow claims 12-28 as patentable over the prior art.

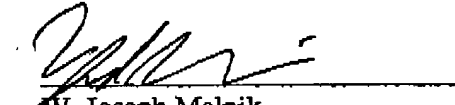
Applicants submit that the response set forth herein is sufficient to explain the differences between the claimed invention and the prior art cited by the Examiner. Accordingly, allowance of claims 12-28 is respectfully requested. In the event that the Examiner is not prepared to grant such an allowance, the undersigned attorney respectfully requests an interview with the Examiner before the next Office Action.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,

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**CERTIFICATE OF Facsimile UNDER 37 C.F.R. § 1.10**

APPLICANT: STEINBERG, ET AL.  
TITLE: PORTAL ASSESSMENT DESIGN SYSTEM FOR EDUCATION TESTING  
SERIAL NO.: 10/080,533  
ATTORNEY REF: 126278.01501  
DATE OF FACSIMILE: April 19, 2004

I HEREBY CERTIFY THAT THIS RESPONSE TO OFFICE ACTION IS BEING SENT VIA FACSIMILE TO NUMBER 703-872-9302 UNDER 37 C.F.R. § 1.111 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO MAIL STOP NON-FEE AMENDMENT, TECHNOLOGY CENTER 3700, COMMISSIONER OF PATENTS, ALEXANDRIA, VA 23313-1450.

Kathleen Pujol

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

Documents sent via facsimile:

1. Response to Final Office Action
2. Certificate of Facsimile